

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----:
PATRICIA LEO HOLLOWAN, :
LORNA SAMUELS, and JUDY :
SHERIDAN-GONZALEZ, :
Plaintiffs, : ECF
: 08 CV 00211 (LAP)
v. :
: **NOTICE OF MOTION**
NEW YORK STATE NURSES : **FOR PARTIAL DISMISSAL**
ASSOCIATION, :
Defendant. :
:-----

PLEASE TAKE NOTICE that, upon the pleadings and papers on file in this action, the accompanying Memorandum of Law, and oral argument presented at the hearing on this motion, Defendant New York State Nurses Association will move this Court before the Honorable Loretta A. Preska at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, in Courtroom 1320, on a date and at a time to be set by the Court or as soon as thereafter as counsel may be heard for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting Defendant's motion (1) to dismiss Count IV of the Complaint; (2) to dismiss Count V of the Complaint, or in the alternative, to dismiss in Count V of the Complaint the claim arising under New York Business Corporation Law § 717 and the claim for damages under New York Business Corporation Law § 706; and (3) to award

such other and further relief as the Court may deem just and proper.

Dated: New York, New York
March 3, 2008

Respectfully submitted,

SPIVAK LIPTON LLP
Attorneys for Defendant
New York State Nurses Association
1700 Broadway, Suite 2101
New York, New York 10019
Tel: (212) 765-2100
Fax: (212) 765-8954

By: /s/ Franklin K. Moss

Franklin K. Moss (FM 9161)
Hope Pordy (HP 6253)